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ESTHER HWANG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ESTHER HWANG,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, ET AL.

Defendants.

Case No. C07-02718 MMC

**SECOND JOINT CASE
MANAGEMENT CONFERENCE
STATEMENT (FURTHER CASE
MANAGEMENT CONFERENCE)**

Hearing Date: July 11, 2008
Time: 10:30 A.M.
Place: Court No. 7

The parties submit the following updated case management statement pursuant to the Court's Case Management Conference Order, Feb. 27, 2007, and *The Standing Order for All Judges of the Northern District of California*, and by Order of the Court after the November 30, 2007, hearing.

1 **A. FACT DISCOVERY:**

2 The parties have completed nearly all the fact discovery. Defendants have completed eight
3 witness depositions, and written discovery. Defendants have supplemented their initial disclosures.
4 Defendants anticipate filing a motion for summary judgment, or in the alternative, a motion for partial
5 summary judgment. There have been only a few glitches preventing the completion of discovery by
6 defendants. Defendants have sought third party discovery from Dr. Miran Choi, MD, a treater
7 disclosed by plaintiff, who has until now failed to respond or cooperate in the production of relative
8 treatment records. The records and discovery related to this treatment are critical to defendants'
9 expert discovery and defense against plaintiff's damages and claimed emotional injuries. Defendants
10 anticipate requesting an Order to Show Cause why this witness should not be held in contempt, or
11 otherwise sanctioned, for failing to produce records. Additionally, defendants are awaiting records
12 subpoenaed from another third party witness, plaintiff's brother, who has indicated he will produce
13 such records, but to date has not.
14

15 Plaintiff has not supplemented her disclosures, but does not anticipate the need to do so.
16 Plaintiff has completed discovery except for the deposition the defendant police officers. The reason
17 for the delay is because the parties had informally agreed to use an anticipated ruling in another
18 unrelated case (*Oliver v. City and County of San Francisco* C07-2460 (JL)) involving Officer Serna's
19 personnel records as a basis for guidance on the personnel records that the parties would stipulate to
20 produce in the present case. The parties reached this agreement in an attempt to avoid unnecessary
21 expenditure of resources, rancor, and court time, regarding the issue of production of personnel
22 records in the present case. Regrettably, the court in the other case has yet to issue a ruling. Plaintiff
23 has indicated her preference to wait for the production of those records before conducting the
24 depositions.
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B. EXPERT DISCOVERY

The parties have not yet commenced expert discovery. Expert disclosures are due July 25, 2008.

The parties have continued to meet and confer in good faith regarding any outstanding issues of discovery; and have generally had a cordial and productive relationship.

Although the parties desire to maintain the present trial date, they may require the court to further extend deadlines related to expert discovery and dispositive motions.

Dated: July 9, 2008

Respectfully submitted,

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By: s/Sean F. Connolly
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Dated: July 9, 2008

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